

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 335

(Delegate Grammer)

Environment and Transportation

Judicial Proceedings

Baltimore County - Nuisance Actions - Community Association

This bill alters the definitions of “community association” and “local code violation” in statutory provisions that authorize a community association in Baltimore County to seek injunctive and other equitable relief in the Circuit Court for Baltimore County for nuisance abatement. Among other provisions, the bill also (1) establishes additional notice requirements for nuisance actions and (2) repeals the requirement that the circuit court determine the amount and conditions of a specified bond to be filed by a community association that is seeking relief.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: The bill does not materially affect the finances or operations of Baltimore County.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law:

Definitions

Under current law, in Baltimore County, for the purpose of seeking injunctive relief for the abatement of a nuisance, “community association” is a Maryland nonprofit corporation that:

- is comprised of at least 20% of the total number of households as members, with a minimum membership of 25 households, of a local community that consists of 40 or more individual households as defined by specific geographic boundaries in the bylaws or charter of the community association;
- requires, as a condition of membership, the payment of monetary dues at least annually;
- is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- has been in existence for at least one year when it files suit for abatement of a nuisance;
- is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code (IRC) or has been included in a specified Baltimore County publication for a period of at least one year prior to bringing an action to abate a nuisance; and
- is in good standing.

Under the bill, a “community association” is a Maryland nonprofit association, corporation, or other organization that is (1) composed of residents of a community defined by specific geographic boundaries in the bylaws or charter of the community association and within which a nuisance is located; (2) operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement; (3) exempt from taxation under specified sections of IRC; and (4) incorporated and in good standing with the State Department of Assessments and Taxation.

The bill specifies that “community association” includes a Maryland nonprofit association, corporation, or other organization that otherwise meets the definition of an individual community association but that represents two or more individual community associations.

Under current law, “local code violation” is a violation under Title 22, “Nuisances” of the Baltimore County Code of 1988. The bill expands the definition to include the Buildings and Housing Article of the Baltimore County Code, and the references are updated to include the most recent 2015 version, as amended. “Local code violation” does not include a violation of specified provisions of the Baltimore County Code related to rent escrow; lead risk reduction standards; or any storm water management provision.

Under current law, “nuisance” is an act or condition created, performed, or maintained on private property that constitutes a local code violation and that has specified adverse conditions within the boundaries of the community represented by the community association.

Nuisance Actions

Pursuant to existing provisions, in Baltimore County, a community association may seek injunctive and other equitable relief in the Circuit Court for Baltimore County for abatement of a nuisance after (1) meeting specified notice requirements and (2) showing that the nuisance has not been abated. No action can be initiated until 60 days after the community association notifies the county code enforcement agency, via certified mail with return receipt, of the violation and the intent to bring action. A nuisance action may not be brought if the county code enforcement agency has filed an action for equitable relief from the nuisance.

Under the bill, if the Baltimore County Department of Housing and Community Development is the relevant code enforcement agency, a nuisance action is prohibited if the department provides a written response to the community association within 60 days of receiving the notice, indicating that the subject property is part of an active code enforcement plan.

Under current law, a nuisance action may not be brought until 60 days after the community association provides notice, via certified mail with return receipt requested, to the tenant, if any, and the property's owner of record. This notice must detail (1) the specific nature of the alleged nuisance; (2) the date and time it was first documented; (3) the precise location on the property where the nuisance is occurring; and (4) the desired resolution.

The bill requires that the notice must be served on any tenant and the property's owner of record in the same manner as service in a civil *in personam* action under the Maryland Rules. If certified mail is returned unclaimed, refused, deemed undeliverable by the post office, or signed for by someone other than the addressee, adequate notice may be given by regular mail and posting a copy of the notice on the property where the nuisance is allegedly occurring.

Under the bill, an action against a residential rental property owner for a nuisance may not be brought unless an appropriate code enforcement agency has first issued a violation notice, as specified. Furthermore, for nuisances stemming from housing or building code violations, excluding recurrent sanitation violations, relief may not be granted unless a violation notice relating to the nuisance has been issued by a State or Baltimore County official and remains unresolved after 75 days.

Required Bond

Under current law, the court must determine the amount and conditions, if any, for a bond filed by the community association in an action for relief; the bill repeals this requirement.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 417 and SB 383 of 2024; HB 166 of 2023; and HB 265 of 2022.

Designated Cross File: None.

Information Source(s): Baltimore County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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